IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 7987 of 1997

Between:

Kasireddy Nagi Reddy @ China Nagi Reddy, s/o Ram Reddy,

70 years, Kasireddygaripalle village, K.V. Palle Mandal, Chittor district.

..... PETITIONER

AND

1. The District Collector, Chittor, Chittor district.
2. The Mandal Revenue Officer, K.V. Palle Mandal, Chittor district.
3. The Sub-Inspector of Police, K.V. Palle Police Station, Chittor district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction, directing the respondents not to interfere with the installation and running of the borewell in the land belonging to the petitioner situated in Sy.No. 19-1, Kasireddygaripalle village, K.V. Palle Mandal, Chittor district by declaring the endorsement made by the 2nd respondent in N.Dis/97 dated 28-02-1997 as arbitrary, illegal and without jurisdiction.

Counsel for the Petitioner: MR.T.NIRANJAN REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE/HOME

The Court, at the stage of admission, made the following:

Oral order:-

This writ petition is filed to direct the respondents not to interfere with the installation and running of the borewell in the land belonging to the petitioner situated in Sy.No. 19-1, Kasireddygaripalle village, K.V. Palle Mandal, Chittor district by declaring the endorsement made by the 2nd respondent in N.Dis./97 dated 28-02-1997 as arbitrary, illegal and without jurisdiction.

The petitioner is the absolute owner of land in an extent of Ac. 02-28 cents in survey No. 19-1 of Kasireddygaripalle village, which has been purchased under a registered sale deed dated 14-06-1978. In June, 1996 the petitioner dug a borewell. On 12-03-1997 when the petitioner installing borewell after obtaining electricity connection, the owner of the neighbouring land objected for the same thereby a suit had been instituted which is still pending. On the representation of the owners of the neighbouring lands, the Mandal Revenue Officer requested the 3rd respondent by endorsement dated 28-02-1997 to stop the digging of borewell in the above said land.

From the averments of the affidavit filed in support of the writ petition it is not clear whether the petitioner is drawing water from the borewell by installing the motor or some other device. The impugned endorsement is dated 28-02-1997 requesting the 3rd respondent to stop the digging of borewell by the petitioner; whereas the petitioner in his affidavit states that he dug the borewell in June, 1996.

In the considered view of this court that a civil suit is pending in the matter and the State Government has also enacted The Water, Land & Trees Act, 2002

(Act. No. 10 of 2002) (for short 'the Act'), I deem it appropriate to direct the parties to agitate their rights before the civil court. Therefore, the endorsement dated 28-02-1997 of the 2nd respondent is set aside. However, it is open to the respondents to proceed with the matter, if they are so desirous in accordance with the provisions of the Act.

Accordingly, the writ petition is disposed of. No costs.

ELIPE DHARMA RAO, J

Dt. 13-07-2005

Pvks/*

To

1. The District Collector, Chittor, Chittor district.
2. The Mandal Revenue Officer, K.V. Palle Mandal, Chittor district.
3. The Sub-Inspector of Police, K.V. Palle Police Station, Chittor district.
4. 2 CCs., to the learned Government Pleader for Revenue & Home, A.P. High Court Buildings, Hyderabad (OUT).

5. 2 CD copies.